

CIVIL COURT OF THE CITY OF NEW YORK  
COUNTY OF BRONX

-----X  
TOWNSEND GARDEN CORP.,  
Plaintiff,

INDEX NO.  
FILE NO. 2963

041236

-against-

Maria Tirado,

Defendant(s)

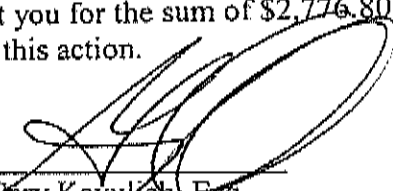
SUMMONS  
Place of Venue is Plaintiff's  
place of business:

1549 Townsend Avenue  
BRONX, NEW YORK 0

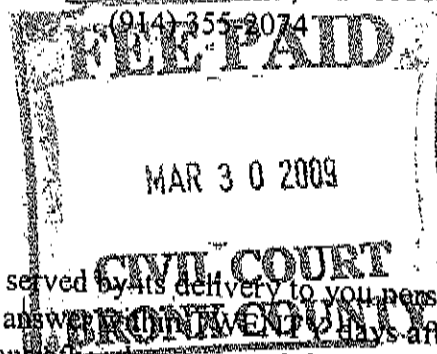
-----X  
To the above named defendants(s):

YOU ARE HEREBY SUMMONED to appear at the CIVIL COURT OF THE CITY OF NEW YORK, COUNTY OF BRONX at the office of the clerk of the said Court at 851 Grand Concourse, Bronx, NY 10451, in the COUNTY OF BRONX, State of New York, within the time provided by law as noted below and to file an answer to the below complaint with the clerk: upon your failure to answer, judgment will be taken against you for the sum of \$2,776.80 with interest thereon from October 1, 2006 together with costs of this action.

DATED: March 17, 2009

  
By: Gary Kavulich, Esq.,  
Kavulich & Associates, P.C.  
Attorney for Plaintiff  
30 Church Street  
Suite 26  
New Rochelle, NY 10801

Defendant's Address:  
Maria Tirado  
260 Washington Street, Apt. 45  
Salem, MA 01970-3618



Note: The law provides that: (a) If the summons is served by its delivery to you personally within the City of New York, you must appear and answer within THIRTY days after such service; or (b) If the summons is served by any means other than personal delivery to you within the City of New York, you must appear and answer within THIRTY days after proof of service thereof is filed with the Clerk of this Court.

## COMPLAINT

**FIRST ACTION:** Plaintiff seeks to recover damages from defendant(s) for breach of a lease agreement in the sum of \$2,276.80 representing rental arrears for the months of October, 2006 balance of \$61.60; November, 2006 through and including February, 2007 at the agreed monthly sum of \$553.80 for the premises known as 1549 Townsend Avenue, Apt.6E BRONX, NEW YORK 0 together with costs and disbursements of this action and for such other and further relief as the court may deem just.

**SECOND ACTION:** Plaintiff seeks to recover damages from the defendant in the sum of \$0.00 representing damages together with costs and disbursements of this action and for such other and further relief as the Court may deem just.

**THIRD ACTION:** Plaintiff seeks to recover damages from the defendant in the sum of \$500.00 representing reasonable attorneys fees together with costs and disbursements of this action and for such other further relief as the Court may deem just.

**WHEREFORE,** Plaintiff demands judgment (A) on the First Action, in the sum of \$2,276.80 plus interest from October 1, 2006 together with costs and disbursements of this action and for such other and further relief as the Court may deem just, (B) on the Second Action, in the sum of 0.000 plus interest from October 1, 2006 together with costs and disbursements of this action and for such other and further relief as the Court may deem just, (C) on the Third Action, in the sum of \$500.00 together with costs and disbursements of this action and for such other and further relief as the Court may deem just.

The Plaintiff in this action is NOT required to be licensed by the New York City Department of Consumer Affairs.

AFFIDAVIT OF SERVICE  
CIVIL COURT OF THE CITY OF NEW YORK  
COUNTY OF BRONX

Index No. 41226/09

Filed: \_\_\_\_\_

Attorneys: Kavulich & Associates, P.C.

Address: 30 Church Street, Suite 26, New Rochelle, NY 10801

File No. 2963

TOWNSEND GARDEN CORP.,

vs.

MARIA TIRADO,

State of New York County of Nassau SS:

George Stricker, being duly sworn deposes and says:

Deponent is not a party herein, is over 18 years of age. On April 23, 2009 at 4:03p.m.

At: 260 Washington Street, Apt. 45, Salem, MA 01970-3618 served the within Summons and Complaint on: MARIA TIRADO, Defendant therein named

Individual ☐ By delivering a true copy of each to said recipient: deponent knew the person served to be the person described as said person therein.

Corporation ☐ By delivering to and leaving with \_\_\_\_\_ and that deponent knew the person so served and authorized to accept service on behalf of the Corporation:

Suitable Age ☐ By delivering a true copy of each to a person of suitable age and discretion  
Person ☐ Said premises is recipients ☐ actual place of business ☒ dwelling house within the state.  
☒

Affixing to Door ☐ By affixing a true copy of each to the door of said premises, which is recipients ☐ actual place of business ☐ dwelling house (place of abode) within the state  
☐

Mail Copy ☒ On April 24, 2009 deponent completed service under the last two sections by depositing a copy of the Summons and Complaint to the above address in a 1<sup>st</sup> Class properly addressed envelope marked "Personal and Confidential" in an official depository under the exclusive care and custody of the United States Post Office in the State of New York.

Deponent was unable, with due diligence to find the recipient or a person of suitable age and discretion having called thereat:

On the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_  
On the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_  
On the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_

Description A description of the Defendant, or other person served on behalf of the Defendant

☐ Sex: F Color of skin: BRN Color of Hair: BRN Age: 50-55 Height: 5'4" Weight: 167LBS

Military Svce ☒ Deponent asked person spoken to whether the recipient was presently in military service of the United States Government or of the State of New York and was informed that the recipient is not. Recipient wore civilian clothes and no military uniform

Other ☒ "Jane Doe" stated that the Defendant is not in the military.

Sworn to before me on this 25 day of 4/09

George Stricker  
George Stricker

Cheryl Mark  
New York State Notary Public

County of Bronx

Cheryl Mark

Lic. No. 019114302816

Commission Expires June 5, 20 10

Bronx County Civil Court  
Civil JudgmentPlaintiff(s):  
TOWNSEND GARDEN CORP.

Index Number: CV-041226-09/BX

vs.

Judgment issued: On Default

Defendant(s):  
MARIA TIRADOOn Motion of:  
KAVULICH & ASSOCIATES, P.C.  
30 CHURCH STREET, SUITE 26, New  
Rochelle, NY 10801-

Amount claimed	\$2,276.80	Cost By Statute	\$20.00	Transcript Fee	\$0.00
Less Payments made	\$0.00	Index Number Fee	\$45.00	County Clerk Fee	\$0.00
Less Counterclaim Offset	\$0.00	Service Fee	\$25.00	Enforcement Fee	\$40.00
Interest 10/01/2006 at 9%	\$572.64	Non Military	\$0.00	Other Disbursements	\$0.00
Attorney fees	\$0.00	Notice of Trial	\$0.00	Other Costs	\$0.00
		Jury Demand	\$0.00		
Total Damages	\$2,849.44	Total Costs & Disbursements	\$130.00	Judgment Total	\$2,979.44

The following named parties, addressed and identified as creditors below:

Plaintiff creditor(s) and address

(1) TOWNSEND GARDEN CORP.  
1549 TOWNSEND AVENUE, BRONX, NY 00000-

Shall recover of the following parties, addresses and identified as debtors below:

Defendant debtor(s) and address

(1) MARIA TIRADO  
260 WASHINGTON STREET, APT. 45, Salem, MA 01970-3618Judgment entered at the Bronx County Civil Court, 851 Grand Concourse, Bronx, NY 10451, in the STATE OF NEW YORK  
in the total amount of \$2,979.44 on 07/17/2009 at 09:29 AM.

Judgment sequence 1

  
 Jack Baer, Chief Clerk Civil Court

INDEX NO. 41226/09

FILE NO. 2963.0  
JUDGMENT

TOWNSEND GARDEN CORP.,

PLAINTIFF(S)

-AGAINST-

Maria Tirado

1549 Townsend Avenue  
BRONX, NEW YORK 0

DEFENDANT(S)

AMOUNT CLAIMED LESS PMTS ON ACCT.  
INTEREST FROM 10/1/2006\$2,276.80  
\$521.97  
\$2,798.77COSTS BY STATUTE  
SERVICE OF SUMMONS AND COMPLAINT  
FILING OF SUMMONS AND COMPLAINT  
PROSPECTIVE MARSHALL'S FEE  
NOTICE OF INQUEST  
TRANSCRIPT & DOCKETING\$20.00  
\$25.00  
\$45.00  
\$40.00  
\$0.00  
\$0.00\$130.00

TOTAL \$2,928.77

STATE OF NEW YORK, COUNTY OF WESTCHESTER:

THE UNDERSIGNED, ATTORNEY AT LAW OF THE STATE OF NEW YORK, ON OF THE ATTORNEY(S) OF RECORD FOR THE PLAINTIFF(S) IN THE ABOVE ENTITLED ACTION, STATES THAT THE DISBURSEMENTS ABOVE SPECIFIED HAVE BEEN OR WILL NECESSARILY BE MADE OR INCURRED THEREIN AND ARE REASONABLE IN AMOUNT: UPON FAILURE TO ANSWER THE TIME OF THE DEFENDANT TO APPEAR AND ANSWER HEREIN HAS EXPIRED AND THE SAID DEFENDANT HAS NOT APPEARED AND ANSWERED HEREIN. THE UNDERSIGNED AFFIRMS THIS STATEMENT TO BE TRUE UNDER THE PENALTIES OF PERJURY.

DATED: WESTCHESTER, NY

7/9/2009

KAVULICH & ASSOCIATES, P.C.  
BY: GARY KAVULICH, ESQ.  
30 CHURCH STREET, SUITE 26  
NEW ROCHELLE, NY 10801

JUDGMENT ENTERED ON  
SERVICE OF SUMMONS AND COMPLAINT IN THIS ACTION ON THE DEFENDANT(S)  
HEREIN HAVING BEEN COMPLETED ON 6/27/2009 WITHIN THE CITY OF NEW YORK ON THAT DAY AND MORE THAN 20 DAYS

HAVING ELAPSED.

BY FILING ON SAID DAY OF PROOF OF THE SERVICE THEREOF BY SUBSTITUED SERVICE ON DEFENDANT(S) AND MORE THAN 30 DAYS HAVING ELAPSED SINCE THE DAY OF COMPLETION OF SERVICE AND THE TIME OF SAID DEFENDANT(S) TO APPEAR AND ANSWER HAVING EXPIRED, AND

NOW ON MOTION OF KAVULICH & ASSOCIATES, P.C. ATTORNEY(S) FOR THE PLAINTIFF(S) IT IS, ADJUDGED THAT TOWNSEND GARDEN CORP.  
RESIDING AT: 1549 Townsend Avenue BRONX, NEW YORK 0  
RECOVER OF Maria Tirado  
RESIDING AT: 260 Washington Street Apt. 45 Salem, MA 01970-3618  
THE SUM OF \$2,276.80 WITH INTEREST OF \$521.97 MAKING A TOTAL OF \$2,798.77 TOGETHER WITH \$130.00 COSTS AND DISBURSEMENTS, AMOUNTING IN ALL TO THE SUM OF \$2,928.77 AND THAT PLAINTIFF HAVE EXECUTION THEREFORE. SECOND AND THIRD CAUSES OF ACTION ARE HEREBY WAIVED.

CLERK

CIVIL COURT OF THE CITY OF NEW YORK  
COUNTY OF BRONX

TOWNSEND GARDEN CORP.,  
PLAINTIFF(S)

AGAINST

Maria Tirado

DEFENDANT(S)

AFFIDAVIT OF FACTS  
CONSTITUTING THE CLAIM  
THE DEFAULT AND THE  
AMOUNT DUE

STATE OF NEW YORK COUNTY OF WESTCHESTER

SS: GARY KAVULICH, ESQ. HEREBY DEPOSES AND SAYS UNDER THE PENALTIES OF PURJURY, THAT DEPONENT IS THE ATTORNEY FOR THE PLAINTIFF(S) IN THE WITHIN ACTION; THIS ACTION WAS COMMENCED BY SUBSTITUED SERVICE OF THE SUMMONS AND COMPLAINT UPON DEFENDANT(S) AND IS AN ACTION FOR RENT DUE AND OWING FOR (AFTER APPLICATION OF PAYMENT AND SECURITY DEPOSIT)

October, 2006 balance of \$61.60

November, 2006 \$553.80

December, 2006 \$553.80

January, 2007 \$553.80

February, 2007 \$553.80

AT THE AGREED MONTHLY RENTAL OF \$553.80

ALL OTHER CAUSES OF ACTION ARE HEREBY WAIVED AND DISPOSED. AFTER A COMPLETE AND THOROUGH INVESTIGATION THE DEFENDANT IS FOUND NOT TO BE IN THE MILITARY.

RENT WAS NOT PAID BY ANY OTHER SOURCE. I MAKE THIS AFFIRMATION UPON INFORMATION AND BELIEF, A BELIEF PREDICATED UPON CONVERSATIONS WITH MY CLIENT, MY INVOLVEMENT IN THE PROCEEDING AND READING THE FILE IN THIS CASE.

SECOND AND THIRD CAUSES OF ACTION ARE HEREBY WAIVED.

WHEREFORE DEPONENT DEMANDS JUDGMENT AGAINST DEFENDANT(S) FOR \$2,276.80 WITH INTEREST FROM 10/1/2006 TOGETHER WITH COSTS AND DISBURSEMENTS OF THE ACTION.

KAVULICH & ASSOCIATES, P.C.  
BY: GARY KAVULICH, ESQ.  
30 CHURCH STREET, SUITE 26  
NEW ROCHELLE, NY 10801

TO THE DEFENDANT(S): PLEASE TAKE NOTICE THAT THE WITHIN IS A TRUE COPY OF A JUDGMENT MADE AND ENTERED IN THE WITHIN ENTITLED ACTION AND DULY FILED IN THE OFFICE OF THE CLERK OF THE COUNT ON

DATED: WESTCHESTER, NY  
7/9/2009

YOURS, ETC.,  
ATTORNEYS FOR PLAINTIFF

STATE OF NEW YORK, COUNTY OF  
BEING DULY SWORN, DEPOSES AND SAYS; THAT DEPONENT IS NOT A PARTY TO THE ACTION, IS OVER 18 YEARS OF AGE AND RESIDES IN

THAT ON DEPONENT SERVED A TRUE COPY OF THE WITHIN JUDGMENT AND NOTICE OF ENTRY THEREOF (EACH OF) THE FOLLOWING NAMED DEFENDANT(S) AT THE ADDRESS(ES) INDICATED (FOR EACH):

BY DEPOSITING SAME ENCLOSED IN POSTPAID PROPERLY ADDRESSED WRAPPER(S), IN -A POST OFFICE- OFFICIAL DEPOSITORY UNDER THE EXCLUSIVE CARE AND CUSTODY OF THE UNITED STATES POSTAL SERVICE WITHIN NEW YORK STATE.

SWORN TO BEFORE ME ON



CIVIL COURT OF THE CITY OF NEW YORK  
COUNTY OF BRONX

TOWNSEND GARDEN CORP.,

INDEX NO. 41226/09

PLAINTIFF(S)

-AGAINST-

Maria Tirado

AFFIDAVIT OF  
MAILING OF ADDITIONAL  
NOTICE OF SUIT

DEFENDANT(S)

STATE OF NEW YORK)  
COUNTY OF WESTCHESTER) SS:

GARY KAVULICH, ESQ., BEING DULY SWORN HEREBY DEPOSES AND SAYS:

1. I AM THE ATTORNEY FOR THE PLAINTIFF(S) HEREIN.
2. THE ABOVE ENTITLED ACTION IS AGAINST A NATURAL PERSON AND IS BASED UPON NON PAYMENT OF A CONTRACTUAL OBLIGATION.
3. ON 5/21/2009, I MAILED A COPY OF THE SUMMONS AND COMPLAINT IN THE ABOVE ENTITLED ACTION BY DEPOSITING THE ENVELOPE(S) IN AN OFFICIAL DEPOSITORY UNDER THE EXCLUSIVE CARE AND CUSTODY OF THE U.S. POSTAL SERVICE WITHIN NEW YORK STATE. SAID MAILING WAS BY FIRST CLASS MAIL IN A POSTPAID ENVELOPE(S), PROPERLY ADDRESSED TO THE DEFENDANT(S), THE ENVELOPE(S) BORE THE LEGEND "PERSONAL & CONFIDENTIAL" AND THERE WAS NO INDICATION ON THE OUTSIDE OF THE ENVELOPE(S) THAT THE COMMUNICATION WAS FROM AN ATTORNEY OR CONCERNED AN ALLEGED DEBT. AT DEFENDANT(S):

-----LAST KNOWN ADDRESS AT: Maria Tirado: 260 Washington Street Apt. 45 Salem, MA 01970-3618

-----PLACE OF EMPLOYMENT AT:

THE ENVELOPE BORE THE LEGEND "PERSONAL & CONFIDENTIAL" AND THERE WAS NO INDICATION ON THE OUTSIDE OF THE ENVELOPE THAT THE COMMUNICATION WAS FROM AN ATTORNEY OR CONCERNED AN ALLEGED DEBT.

-----A KNOWN ADDRESS OF THE DEFENDANT AT:

THIS ADDRESS IS NOT THE RESIDENCE OR PLACE OF EMPLOYMENT OF THE DEFENDANT.

THE AFOREMENTIONED MAILING:

-----HAS NOT BEEN RETURNED UNDELIVERABLE BY POSTAL SERVICE.

-----WAS RETURNED UNDELIVERABLE BY POSTAL SERVICE AND WAS RE-SENT TO THE DEFENDANT AT:

SWORN TO BEFORE ME  
ON THIS 9 DAY OF July, 2009

Matthew N. Kaufman  
Notary Public- State of New York  
No. 02KA6204092  
Qualified in Westchester County  
My Commission Expires - April 13, 2013

GARY KAVULICH, ESQ.

CIVIL COURT OF THE CITY OF NEW YORK  
COUNTY OF BRONX

-----X  
TOWNSEND GARDEN CORP.,

Plaintiff,

Index No. 41226/09  
File No. 2963.0

-against-

**AFFIDAVIT OF  
INVESTIGATOR**

Maria Tirado

Defendant(s).

-----X  
STATE OF NEW YORK )  
 )SS.:  
COUNTY OF WESTCHESTER )

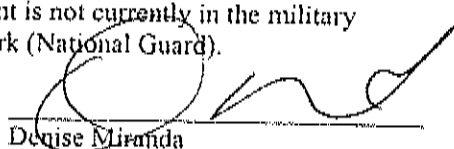
I am over 18 years of age, am not a party to this action and reside in Westchester County, State of New York.

I have been requested by Kavulich & Associates, P.C. attorney for the Plaintiff, to make an investigation to ascertain if the Defendant(s) Maria Tirado is at the present time in military service for the purpose of entry of judgment.

On July 9, 2009, I Denise Miranda, contacted the Defense manpower Data Center concerning the Defendant Maria Tirado military status.

I inputted the social security number, as provided by the Defendant, into the Defense Manpower Data Center.

Under the Defendant's social security number I received an affidavit from the Defense Manpower Data Center stating that the said Defendant is not currently in the military service of the United States and the State of New York (National Guard).

  
Denise Miranda

Sworn to before me this  
9 Day of July, 2009

  
Notary Public

Matthew N. Kaufman  
Notary Public - State of New York  
No: 02KA6204092

Qualified in Westchester County  
My Commission Expires - April 13, 2013



86/26/2009 08:23 191430944

CIVIL COURT OF THE CITY OF NEW YORK  
COUNTY OF BRONX

TOWNSEND GARDEN CORP.,

PLAINTIFF,

-AGAINST-

Maria Tirado,

DEFENDANT(S)

INDEX NO:  
FILE NO: 2963

AFFIRMATION OF FACTS  
CONSTITUTING THE  
AMOUNT DUE

X

*Sonia Iglesias*

hereby deposes and says under the penalties of perjury, ss:  
That deponent is the managing agent of TOWNSEND GARDEN CORP., Plaintiff in the within action; this action was commenced by substituted service of the summons and complaint upon defendant(s) and is an action for breach of a lease agreement in the amount of \$2,276.80 for the months October, 2006 balance of \$61.60; November, 2006 through and including February, 2007 at the agreed monthly rental amount of \$553.80 per month (after application of security and after application of payments) no part having been paid, although duly demanded and Damages in the amount of \$0.00. All other causes of action are hereby waived and disposed of. After a complete and thorough investigation, as I have been informed by Plaintiff's counsel, the defendant(s) is/are found not to be in the military. Rent was not paid by any other source. I make this affirmation upon personal Knowledge.

WHEREFORE, Plaintiff demands judgment against defendant for \$2,276.80 with interest from October 1, 2006 together with costs and disbursements of the action.

Dated: 6/26/2009

Sworn to before me  
on this 2 day of July 2009.

*Gizelle L. Nieves*  
Notary Public

*Sonia Iglesias*  
*Sonia Iglesias*

GIZELLE L. NIEVES  
Notary Public State of New York  
No. 01N15063432  
Qualified in Bronx County  
Commission Expires July 22, 2010.

Department of Defense Manpower Data Center

JUL-09-2009 10:36:26



Military Status Report  
Pursuant to the Servicemembers Civil Relief Act

← Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
TIRADO	MARIA	Based on the information you have furnished, the DMDC does not possess any information indicating that the individual is currently on active duty.		

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Military.

*Mary M. Snavelly-Dixon*

Mary M. Snavelly-Dixon, Director  
Department of Defense - Manpower Data Center  
1600 Wilson Blvd., Suite 400  
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The Department of Defense strongly supports the enforcement of the Servicemembers Civil Relief Act [50 USCS Appx. §§ 501 et seq] (SCRA) (formerly the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's active duty status by contacting that person's Military Service via the "defenseink.mil" URL provided below. If you have evidence the person is on active-duty and you fail to obtain this additional Military Service verification, provisions of the SCRA may be invoked against you.

If you obtain further information about the person (e.g., an SSN, improved accuracy of DOB, a middle name), you can submit your request again at this Web site and we will provide a new certificate for that query.

This response reflects current active duty status only. For historical information, please contact the Military Service SCRA points-of-contact.

See: <http://www.defenselink.mil/faq/pis/PC09SLDR.html>

WARNING: This certificate was provided based on a name and Social Security number (SSN) provided by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.

Report ID: TFZZJHSQGT

State of New York, County of Bronx  
Civil Court of the City of New York Civil Part

Index Number: CV-041226-09/BX

TOWNSEND GARDEN CORP.

Plaintiff(s)

-against-  
MARIA TIRADO

Defendant(s)

**SUBPOENA FOR RECORDS**

Requested by:  
MARIA TIRADO  
67 HATHORNE STREET  
APT 2  
Salem, Massachusetts 01970

**THE PEOPLE OF THE STATE OF NEW YORK**

To: Townsend Garden Corp.

We command that you or someone on your behalf provide and produce the following item(s), along with a copy of this subpoena:

SOT{Optional-Description of what needs to be subpoenaed}

*Townsend Garden Corp. has filed a judgement on me. I need to review the records to understand what these charges are for, and to verify its validity. The records referred to are the lease and rental payment logs for Maria Tirado for 1549 Townsend Ave Apt 4 GE Bronx, NY 10452*

To the Clerk of the Civil Court of the City of New York County of Bronx located at 851 Grand Concourse, Bronx, New York 10451 on or before December 3, 2013 in Part 34 - Procedural Motions - Self Represented Litigant 503 at 9:30 AM

- ☒ to the Records Section of this Court located in Room Window 6  
☐ to the Hon \_\_\_\_\_ in Part \_\_\_\_\_, Room \_\_\_\_\_.

**NOTE:** A copy of any subpoena for records served in a pending action shall also be served on each party who has appeared in the action, according to CPLR Rule 2103, so that it is received by such parties promptly after service on the witness and before the production of books, papers or other things. You need not pay a witness fee to anyone other than the witness, but you must fill out an affidavit of service for each party served, as well as for the witness.

Failure to comply with a subpoena may be punishable as contempt of court and/or make you liable for a penalty not exceeding **ONE HUNDRED FIFTY DOLLARS (\$150.00)** and damages sustained by the person on whose behalf the subpoena was issued (CPLR 2308).

Date: November 19, 2013

Carol Alt  
Chief Clerk

If required, So Ordered:

*Edith J. Blum*

Judge of the Civil Court of the City of New York

HON. EDITH J. BLUM  
HON. EDITH J. BLUM

*1/31/14 Rec. fee for not picked up*

State of New York, County of Bronx  
Civil Court of the City of New York Civil Part  
TOWNSEND GARDEN CORP.

Index Number: CV-041226-09/BX

-against-  
MARIA TIRADO

Plaintiff(s)

Defendant(s)

SUBPOENA REQUEST  
APPLICATION

Requested by:  
MARIA TIRADO  
67 HATHORNE STREET  
APT 2  
Salem, Massachusetts 01970

December 3, 2013 in Part 34 - Procedural Motions - Self Represented Litigant 503 at 9:30 AM for a hearing

I am making application to the court to subpoena the following: Check One ☐ Person ☒ Records for the above captioned hearing.

Name and Address of person to testify or holder of records requested: Townsend Garden Corp.

Bronx, New York 10452

this person/records are needed because: Townsend Garden Corp has  
filed a judgement on me. I need to review  
the records to understand and verify what  
these charges are for and to verify its  
validity. The records I refer to are the leases  
and rental <sup>payment</sup> logs of Maria Tirado for apt 6E  
of 1549 Townsend Ave Bronx, NY 10452

Date: 11/19/13

Maria Tirado  
MARIA TIRADO.

NOV 19 2013

Sworn to before me this day 11/19/13, 201

[Signature]  
Signature of Notary Public or Court Employee and Title

Please fill out and return to the court for a Judge to review.

New York, County of Bronx  
 Court of the City of New York Civil Part

Index No: CV-041226-09/BX

TOWNSEND GARDEN CORP.

Plaintiff(s)

-against-

MARIA TIRADO

Defendant(s)

**AFFIDAVIT OF SERVICE**  
 Subpoena for Records

State of New York, County of \_\_\_\_\_ ss.:

\_\_\_\_\_, being duly sworn, deposes and says:

I am over the age of 18 and not a party to this action.

At \_\_\_\_\_, on \_\_\_\_\_, I served a/an Subpoena for Records on:

(Time) (Date)

\_\_\_\_\_  
 (Name of Individual Person served)

☐ Actual person to be served

☐ Person of suitable age and discretion

OR

\_\_\_\_\_  
 (Name of Authorized Person to accept service)

for

\_\_\_\_\_  
 (Name of Business or Entity)

Location of Person Served \_\_\_\_\_

Address of Person Served \_\_\_\_\_

☐ By Personal Delivery

OR

☐ Mail (Check all that apply)

Description of person served:

Sex: \_\_\_\_\_ Color of Skin: \_\_\_\_\_  
 Height: \_\_\_\_\_ Weight: \_\_\_\_\_  
 Hair Color: \_\_\_\_\_ Eye Color: \_\_\_\_\_  
 Build: \_\_\_\_\_ Age: \_\_\_\_\_

☐ Certified Mail # \_\_\_\_\_  
☐ Registered Mail # \_\_\_\_\_  
☐ Return Receipt Requested  
☐ First Class Mail  
☐ First Class Mail with Certificate of Mailing # \_\_\_\_\_

\_\_\_\_\_  
 Signature of Server  
 (Must be signed before Notary or Court Employee)

Sworn to before me on \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
 (Signature of Notary Public or Court Employee)

## INSTRUCTIONS FOR SERVICE OF A SUBPOENA FOR RECORDS

## INSTRUCTIONS:

A Civil subpoena issued from the Civil Court of the City of New York County Of Bronx may be served anywhere within the city, county or a neighboring county. Service elsewhere within the State of New York may be done only with written permission of a Judge.

An agency of the city, county, or state government, or a public library, may only be subpoenaed with the written permission of a Judge.

## PROCEDURES:

1. Make one photocopy of the Subpoena For Records if you are going to personally serve the individual. If you need to mail the document, you will need another copy. You should make a copy of all completed papers and Affidavit of Service.
2. Anyone NOT A PARTY TO THE ACTION who is over the age of 18 may "serve" the Subpoena for Records.
3. *A Subpoena For Records may not simply be mailed. The subpoena may be served as follows:*
  - a. By finding the person to be served and handing the subpoena to that person.
  - b. By serving another person old enough to understand, at the home or business of the person intended to be served. The person serving the papers must also mail an additional copy of the subpoena, to the last known address or place of business of the person to be served. The envelope should be marked "Personal and Confidential".
4. After the papers are "served", the person who served the papers must complete an Affidavit of Service, which is provided. The caption of the case, index number, and type of paper to be served has already been completed.
  - a. Write the name of the county where the affidavit will be signed and sworn to.
  - b. Write the name of the person who served the papers.
  - c. Write the time and date on which the papers were served.
  - d. Write the name of the person being served.
  - e. If the papers were handed to the person, place a check mark in the box that indicates "actual person to be served."
  - f. If the papers were handed to another person, place a check mark in the box that indicates "person of suitable age and discretion" (which means old enough to understand).
  - g. If the papers were handed to an authorized person of a business or entity, write the name of that person and the name of the business or entity.
  - h. Write the location of where the person was served.
  - i. Write the address of where the person lives.
  - j. If the person was personally served, place a check mark in the box that indicates "by personal delivery" and complete the description of the person.
  - k. If the person was served by mail, place a check mark in the box that indicates "mail (check all that apply)" and indicate the type of mailing and write the mailing number provided by the post office.
5. The person who served the papers must sign the Affidavit of Service in the presence of the notary or court employee. The notary or court employee will complete the date and sign his/her name.

**NOTE: This form must be notarized! Leave the rest of the form blank until the person who served the papers is in the presence of a notary public or court employee.**



Civil Court of the City of New York  
County of Bronx

Index No: CV-041226-09/BX



TOWNSEND GARDEN CORP.  
-against-  
MARIA TIRADO

ORAL ANSWER  
ACTION FOR MONEY ONLY

Defendant, MARIA TIRADO, at 67 HATHORNE STREET, APT 2, Salem, Massachusetts 01970, answers the Complaint as follows:

**ANSWER: Dated : 12/03/2013**

(Check all that apply)

1 ☐ General Denial: I deny the allegations in the complaint

**SERVICE**

2 ☒ I did not receive a copy of the summons and complaint

3 ☐ I received the Summons and Complaint, but service was not correct as required by law.

**DEFENSES**

4 ☒ I do not owe this debt.

5 ☐ I did not incur this debt. I am the victim of identity theft or mistaken identity.

6 ☐ I have paid all or part of the alleged debt.

7 ☐ I dispute the amount of the debt.

8 ☐ Plaintiff is required to be licensed by the department of consumer affairs of the City of New York and does not allege a license number in the Complaint.

9 ☐ Statute of Limitations ( the time has passed to sue on this debt).

10 ☐ The debt has been discharged in bankruptcy.

11 ☐ The collateral (property) was not sold at a commercially reasonable price.

12 ☐ Unjust enrichment (the amount demanded is excessive compared with the original debt.)

13 ☐ Violation of the duty of good faith and fair dealing.

14 ☐ Unconscionability (the contract is unfair.)

15 ☒ Laches (plaintiff has excessively delayed in bringing this lawsuit to my disadvantage.)

16 ☐ Defendant is in the military.

17 ☒ Other: Affidavit of service reveals that I was improperly served.

**OTHER**

18 ☐ Please take notice that my only source of income is \_\_\_\_\_, which is exempt from collection.

**COUNTERCLAIM**

19 Counterclaim(s):\$ \_\_\_\_\_ Reason: \_\_\_\_\_

This case is scheduled to appear on the calendar as follows:

Date: January 23, 2014 Part: Part 11 - Self Represented Non-Jury Room 503 Time: 9:30 AM Both Sides Notified:

To:

Kavulich & Associates PC  
181 Westchester Avenue  
Suite 500C  
Port Chester, New York 10573

ID: MA DMV

Civil Court of the City of New York  
 County of Bronx  
 Part

Index Number 41226/09  
 Motion Cal. # \_\_\_\_\_ Motion Seq. # \_\_\_\_\_

Townsend Garden Corp

Claimant(s)/Plaintiff(s)/Petitioner(s)  
 against

Maria Mado

Defendant(s)/Respondent(s)

### DECISION/ORDER

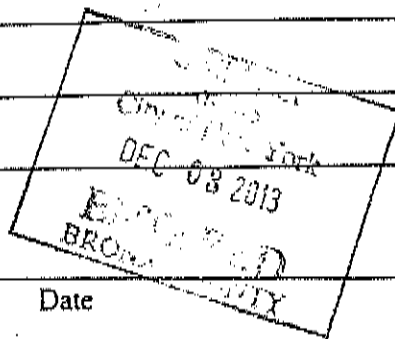
Recitation, as required by CPLR §2219 (a), of the papers considered in the review of this Motion:

Papers	Numbered
Notice of Motion and Affidavits Annexed.....	_____
Order to Show Cause and Affidavits Annexed.....	<u>1</u>
Answering Affidavits .....	_____
Replying Affidavits.....	_____
Exhibits .....	_____
Other.....	_____

Upon the foregoing cited papers, the Decision/Order on this Motion to vacate

is as follows:

default judgment  
Defendant's motion to vacate default  
judgment rendered against her is granted  
on default, upon a showing of excusable  
defendant's excusable default. All restraints  
are vacated forthwith. The defendant is directed  
to answer on or before 12/31/13.  
The court is scheduled to appear Court 11 trial/conference  
on 1/23/14 at 930 am Room 503. The  
Clerk of the Court is directed to notify plaintiff  
of the next court date. This constitutes  
the court's order & decision.



Date

JOSE A. PADILLA, JR.

Judge, Civil Court



# U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

PORT CHESTER NY 08042-1151

Postage	\$0.66	0151	Postmark
Certified Fee	\$3.10	19	Here
Return Receipt Fee (Endorsement Required)	\$2.55		
Restricted Delivery Fee (Endorsement Required)	\$0.00		
Total Postage & Fees	\$6.31	12004	2013

Sent To

Kavulich & Associates PC

Street, Apt. No.

or PO Box No.

City, State, ZIP+4

181 Westchester Ave Suite 500

Port Chester, New York 10573

PS Form 3800, August 2006

See Reverse for Instructions

0151 19 08042-1151

County of the City of New York  
County of Bronx

Index Number: CV-041226-09/BX

TOWNSEND GARDEN CORP.

Plaintiff(s)

-against-

MARIA TIRADO

Defendant(s)

NOTICE OF MOTION  
TO DISMISS pursuant to  
CPLR 3211(a)(8)

PLEASE TAKE NOTICE that upon the annexed affidavit of MARIA TIRADO

sworn to on \_\_\_\_\_ day of DEC 03 2013, 2013, and the attached exhibits, the Defendant will  
move this court located at **851 Grand Concourse, Bronx, New York 10451** Part 35, Room 503,  
on the 23, day of JAN, 2013, at 9:30 am, or as soon thereafter as can be heard  
for an Order :

Dismissing the cause of action on the grounds that the Court has no jurisdiction over the  
defendant pursuant to CPLR Section 3211 because the defendant was not served with the papers in this  
case OR did not receive the papers in the right way as required by the law, and for such other and further  
relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that ( check the box below that is the correct statement):

- ☐ these papers have been served on you at least eight days before the motion is scheduled to be heard. You must serve your answering papers, if any, at least two days before such time upon the movant. At least three days prior to the time at which the motion is noticed to be heard you may serve upon the moving party a notice of cross motion demanding relief.
- ☐ these papers have been served on you at least sixteen days before the motion is scheduled to be heard. You must serve your answering papers and any notice of cross motion with supporting papers, if any, at least seven days before such time. Reply or responding affidavits shall be served at least one day before such time.

All answering papers to the Court are to be filed on the return date of the motion with the Clerk in the Part listed above.

December 3, 2013

Civ GP 128

From:

MARIA TIRADO  
67 HATHORNE STREET  
APT 2  
Salem, Massachusetts 01970

To:

Kavulich & Associates PC  
181 Westchester Avenue  
Suite 500C  
Port Chester, New York 10573



Civil Court of the City of New York  
County of Bronx

Index Number: CV-041226-09/BX



TOWNSEND GARDEN CORP.

Plaintiff(s)

-against-

MARIA TIRADO

Defendant(s)

**AFFIDAVIT IN SUPPORT OF  
MOTION TO DISMISS**

Pursuant to CPLR 3211(a)(8)

State of New York, County of SS{Court:County

MARIA TIRADO, being duly sworn, deposes and says:

**1. Party [Who you are] [Initial One]**

MT a) I am the Defendant in the above entitled case.

b) I am [ Explain who you are] \_\_\_\_\_

**2. Request ( What you are asking the court to do)**

I request that the Court issue an Order dismissing the case on the grounds that the court has no jurisdiction over me pursuant to CPLR 3211 because I was not served with the papers in this case OR I did not receive the papers in the right way as required by law, or grant such other relief as the Court may deem to be just and proper.

**3. Reason [Check One]**

- ☒ I have a good reason because I was not served with the court papers (did not get any of the papers) and found out about this action by a lien that was placed on my bank account on October 10, 2013
- ☐ I was not served with the court papers in the right way as required by the law. [Explanation is required] \_\_\_\_\_

**4. Prior Order [Initial One]**

MT a) I have not previously asked for this relief regarding this index number.

b) I have had a previous Motion to Dismiss regarding this index number, but I am making this further application because

I did file a motion to vacate where I did mention that I was improperly served... (continued on Attached sheet)

Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Notary Public/ Court Employee

Signature of Movant

MARIA TIRADO  
67 HATHORNE STREET  
APT 2  
Salem, Massachusetts 01970

I was improperly served because the person that is stated on the Affidavit of Service as receiving the summons is described as a brown skinned female in her 50's with a height of 5'4".

It was not me because I am light skinned, was 39 at the time and have a height of 5'8".

On that day and time there was no one in the apartment because I was picking up my children at Day Care at 4pm. Affidavit states service was done at 4:03pm.

I lived in the apartment with only my 3 children who at the time were 2, 5, and 13 yrs old. No other adults lived with me, stayed, nor babysitted for me with this description.



AFFIDAVIT OF SERVICE  
CIVIL COURT OF THE CITY OF NEW YORK  
COUNTY OF BRONX

Index No. 41226/09  
Filed: \_\_\_\_\_

Attorneys: Kavulich & Associates, P.C.  
Address: 30 Church Street, Suite 26, New Rochelle, NY 10801 File No. 2963

TOWNSEND GARDEN CORP.,

vs.

MARIA TIRADO,

State of New York County of Nassau SS:

George Stricker, being duly sworn deposes and says:

Deponent is not a party herein, is over 18 years of age. On April 23, 2009 at 4:03p.m.

At: 260 Washington Street, Apt. 45, Salem, MA 01970-3618 served the within Summons and Complaint on: MARIA TIRADO, Defendant therein named

Individual ☐ By delivering a true copy of each to said recipient: deponent knew the person served to be the person described as said person therein.

Corporation ☐ By delivering to and leaving with \_\_\_\_\_ and that deponent knew the person so served and authorized to accept service on behalf of the Corporation

Suitable Age ☐ By delivering a true copy of each to a person of suitable age and discretion  
Person ☒ Said premises is recipients ☐ actual place of business ☒ dwelling house within the state.

Affixing ☐ By affixing a true copy of each to the door of said premises, which is recipients  
to Door ☐ actual place of business ☐ dwelling house (place of abode) within the state

Mail Copy ☒ On April 24, 2009 deponent completed service under the last two sections by depositing a copy of the Summons and Complaint to the above address in a 1<sup>st</sup> Class properly addressed envelope marked "Personal and Confidential" in an official depository under the exclusive care and custody of the United States Post Office in the State of New York.

Deponent was unable, with due diligence to find the recipient or a person of suitable age and discretion having called thereat:

On the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_

On the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_

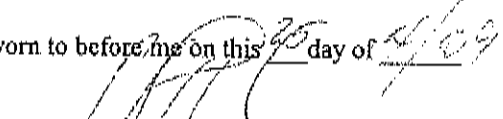
On the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_

Description A description of the Defendant, or other person served on behalf of the Defendant  
☐ Sex: F Color of skin: BRN Color of Hair: BRN Age: 50-55 Height: 5'4" Weight: 167LBS

Military Svce ☒ Deponent asked person spoken to whether the recipient was presently in military service of the United States Government or of the State of New York and was informed that the recipient is not. Recipient wore civilian clothes and no military uniform

Other ☒ "Jane Doe" stated that the Defendant is not in the military.

Sworn to before me on this 20 day of 4/09

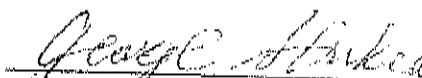
  
\_\_\_\_\_  
New York State Notary Public

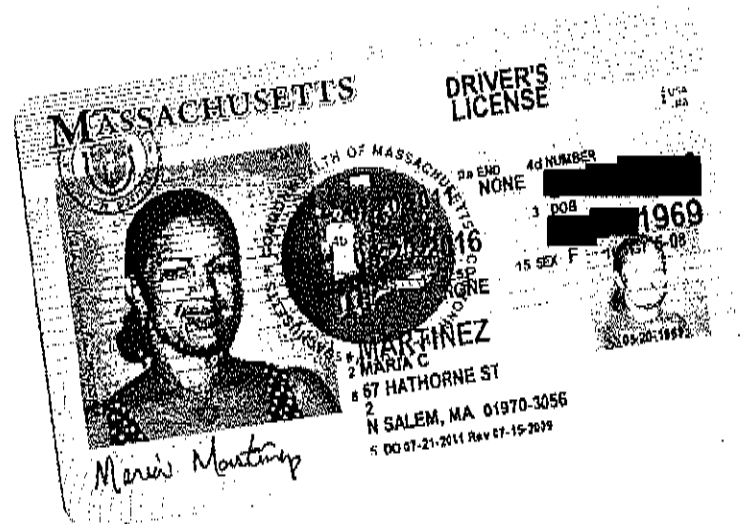
County of Bronx

Cheryl March

Ex. No. 019840042016

Commission Expires June 2, 2016

  
George Stricker



City of the City of New York

of Bronx

Index No: CV-041226-09/BX



TOWNSEND GARDEN CORP.

-against-

MARIA TIRADO

ORAL ANSWER  
ACTION FOR MONEY ONLY

Defendant, MARIA TIRADO, at 67 HATHORNE STREET, APT 2, Salem, Massachusetts 01970, answers the complaint as follows:

**ANSWER: Dated : 12/03/2013***Check all that apply)*1 ☐ General Denial: I deny the allegations in the complaint**SERVICE**2 ☒ I did not receive a copy of the summons and complaint3 ☐ I received the Summons and Complaint, but service was not correct as required by law.**DEFENSES**4 ☒ I do not owe this debt.5 ☐ I did not incur this debt. I am the victim of identity theft or mistaken identity.6 ☐ I have paid all or part of the alleged debt.7 ☐ I dispute the amount of the debt.8 ☐ Plaintiff is required to be licensed by the department of consumer affairs of the City of New York and does not allege a license number in the Complaint.9 ☐ Statute of Limitations ( the time has passed to sue on this debt).10 ☐ The debt has been discharged in bankruptcy.11 ☐ The collateral (property) was not sold at a commercially reasonable price.12 ☐ Unjust enrichment (the amount demanded is excessive compared with the original debt.)13 ☐ Violation of the duty of good faith and fair dealing.14 ☐ Unconscionability (the contract is unfair.)15 ☒ Laches (plaintiff has excessively delayed in bringing this lawsuit to my disadvantage.)16 ☐ Defendant is in the military.17 ☒ Other: Affidavit of service reveals that I was improperly served.**OTHER**18 ☐ Please take notice that my only source of income is \_\_\_\_\_, which is exempt from collection.**COUNTERCLAIM**

19 Counterclaim(s):\$ \_\_\_\_\_ Reason: \_\_\_\_\_

This case is scheduled to appear on the calendar as follows:

Date: January 23, 2014 Part: Part 11 - Self Represented Non-Jury Room 503 Time: 9:30 AM Both Sides Notified:

To:

Kavulich & Associates PC  
181 Westchester Avenue  
Suite 500C  
Port Chester, New York 10573

ID: MA DMV

Civil Court of the City of New York  
County of Queens  
Part

Index Number 41226/09  
Motion Cal. # \_\_\_\_\_ Motion Seq. # \_\_\_\_\_

Townsend Garden Corp

Claimant(s)/Plaintiff(s)/Petitioner(s)  
against

Maria Trado

Defendant(s)/Respondent(s)

### DECISION/ORDER

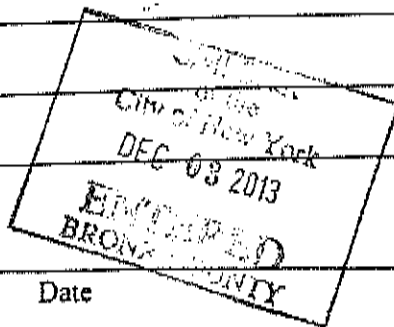
Recitation, as required by CPLR §2219 (a), of the papers considered in the review of this Motion:

Papers	Numbered
Notice of Motion and Affidavits Annexed.....	_____
Order to Show Cause and Affidavits Annexed.....	<u>1</u>
Answering Affidavits .....	_____
Replying Affidavits.....	_____
Exhibits .....	_____
Other.....	_____

Upon the foregoing cited papers, the Decision/Order on this Motion to W Lento

is as follows:

Default Judgment  
Defendant's motion to vacate default judgment rendered against her is granted on default upon a showing of excusable defense & excusable default. All restraints are vacated forthwith. The ~~Plaintiff~~ Defendant is directed to appear in Part 11 trial/conference on 1/23/14 at 930 am Room 503. The Clerk of the Court is directed to notify Plaintiff of the next court date. This constitutes the court's order & decision.



Date

JOSE A. PADILLA, JR.

Judge, Civil Court

**Civil Court of the City of New York**  
 County of Bronx  
 Part

Index Number 41226/09  
 Motion Cal. # \_\_\_\_\_ Motion Seq. # \_\_\_\_\_

### DECISION/ORDER

Recitation, as required by CPLR §2219 (a), of the papers considered in the review of this Motion

Townsend Garden Corp

Claimant(s)/Plaintiff(s)/Petitioner(s)  
 against

Maria Trado

Defendant(s)/Respondent(s)

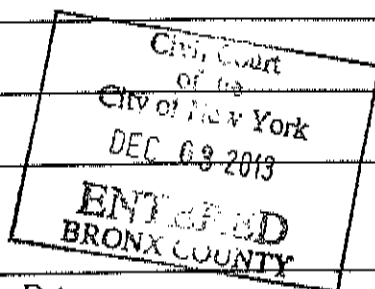
Papers	Numbered
Notice of Motion and Affidavits Annexed.....	_____
Order to Show Cause and Affidavits Annexed ....	<u>1</u>
Answering Affidavits .....	_____
Replying Affidavits.....	_____
Exhibits .....	_____
Other.....	_____

Upon the foregoing cited papers, the Decision/Order on this Motion to vacate

default judgment

is as follows:

Defendant's motion to vacate default judgment rendered against her is granted on default, upon a showing of meritorious defense & excusable default. All restraints are vacated forthwith. The defendant is directed to answer on or before 12/31/13. The parties are directed to appear for trial/conference on 1/23/14 at 930 AM Room 503. The Clerk of the Court is directed notify plaintiff of the next court date. This constitutes the court's order & decision.



JL 12-3-13  
 HON. JOSE A. PADILLA, JR.

Date

Judge, Civil Court

## Appearances are Mandatory

Court of the City of New York  
County of Bronx Part 39

34

(1)

Index Number: CV-041226-09/BX



## ORDER TO SHOW CAUSE

To restore case to the calendar, and vacate any judgment, liens and income executions on this defendant on this Index number, allow proposed answer or dismissing the action

TOWNSEND GARDEN CORP.  
-against-  
MARIA TIRADO

UPON the annexed affidavit of MARIA TIRADO, sworn to on November 1, 2013, and upon all papers and proceedings herein:

Let the Claimant(s)/Plaintiff(s) or Claimant(s)/Plaintiff(s) attorney(s) show cause at:

Bronx Civil Court  
851 Grand Concourse  
Bronx, New York 10451  
Part 34

Room 503

on NOV 19 2013 at 9:30 AM

or as soon thereafter as counsel may be heard, why an order should not be made:

VACATING the Judgment, and all income executions and restraining notices, if any, restoring the case to the calendar, deeming the proposed answer filed and/or dismissing the action if warranted, and/or granting such and further relief as may be just.

PENDING the hearing of this Order to Show Cause and the entry of an Order thereon, let all proceedings on the part of the Claimant(s)/Plaintiff(s), Claimant(s)/Plaintiff(s) attorney(s) and agent(s) and any Marshal or Sheriff of the City of New York for the enforcement of said Judgment be stayed.

SERVICE of a copy of this Order to Show Cause, and annexed Affidavit, upon the:

Claimant(s)/Plaintiff(s) or named attorney(s):  
(Judge to Initial)

Sheriff or Marshal:  
(Judge to Initial)

☒ by Personal Service by "In Hand Delivery"  
☒ by Certified Mail, Return Receipt Requested  
☐ by First Class Mail with official Post Office  
Certificate of Mailing

☒ by Personal Service by "In Hand Delivery"  
☒ by Certified Mail, Return Receipt Requested  
☐ by First Class Mail with official Post Office  
Certificate of Mailing

on or before 11/6/13, shall be deemed good and sufficient

PROOF OF SUCH SERVICE may be filed with the Clerk in the Part indicated above on the return date of this Order to Show Cause.

## Mail to Attorney or party:

Kavulich & Associates PC (Counsel for Pltf), at 181 Westchester Avenue, Suite 500C, Port Chester, New York 10573

Sheriff/Marshal:

Stephen W. Bragel  
109 West 38th Street  
Suite 200  
New York, NY 10018

November 1, 2013

DATE

Hon. David B. Cohen, Civil Court Judge (NYC)

~~12-2-13 R4TDA~~  
~~11-2-13 OPP~~

12-3-13 R4TDA  
11-2-13 OPP



Court of the City of New York, County of Bronx

Index # CV-041226-09/BX

TOWNSEND GARDEN CORP.,  
-against-  
MARIA TIRADO

Affidavit in support of an order to show cause to  
restore case to the calendar, vacate any judgment,  
liens and income executions on this defendant on  
this Index number,  
allow proposed answer or dismissing the action

State of New York, County of New York:

MARIA TIRADO, being duly sworn, deposes and says:

(Defendant's initials)

1. MT a) I am the Party named as (Defendant) (Respondent) in the above titled action2. MT a) I have been served with a summons and complaint in this action. [NOTE: if Small Claims skip #3, and go to #4]

b) I have not been served, and my first notice of legal action was [NOTE: if you complete any of #2b, skip #3, #4, #5, and go to #6]

a Notice of Default Judgment mailed to me

a Restraining Notice on my bank account.

MT a copy of an Income Execution served on last week

Other:

3. MT a) I did not appear and answer in the Clerk's Office because: [NOTE: if you complete # 3a, skip and go to #6].

b) I did not appear and answer in the Clerk's Office

and I received a date for trial.

but the answer was entered late

Other:

4. On the Date of Trial before Judge/Arbitrator

a stipulation (a written agreement) was made between claimant/plaintiff and defendant

a judgment was entered after the trial.

a judgment was entered against me by default for my failure to appear.

Other:

5. My reason for not

complying with the stipulation is

following the order of the Court is

appearing in court on the date scheduled for trial is

Other:

6. MT I allege that I have a good defense because:Yo no debo este dinero porque cuando me fui de ahí no quedé deviendo nada. Yo cumplí con mi lease. Inclusive mi tía se iba a mudar y de la oficina no lo permitieron. Pero querían7. MT a) I have not had a previous Order to Show Cause regarding this index number. pero nunca lo hicieron.

b) I have had a previous Order to Show Cause regarding this index number but I am making this application because:

8. MT I request that the Judgment be vacated, that the case be restored to the calendar, that the answer be deemed timely filed and permission to serve these papers in person.

Sworn to before me this day November 1, 2013

Signature of Court Employee and Title

(Sign Name)

MARIA TIRADO

67 HATHORNE STREET

APT 2

Salem, Massachusetts 01970

JASON VANCE  
NOTARY PUBLIC, State of New York  
No. 04VA6161023  
Qualified in Bronx County  
Commission Expires Feb. 8, 2018

Civil Court of the City of New York

County of BronxPart 35

Index Number

41226/09

Motion Cal. #

Motion Seq. #

**DECISION/ORDER**

Recitation, as required by CPLR §2219 (a), of the papers

considered in the review of this Motion:

**Papers****Numbered**

Notice of Motion and Affidavits Annexed.....

Order to Show Cause and Affidavits Annexed.....

Answering Affidavits .....

Replying Affidavits.....

Exhibits .....

Other.....

Claimant(s)/Plaintiff(s)/Petitioner(s)  
againstMARIA Tirado

Defendant(s)/Respondent(s)

Upon the foregoing cited papers, the Decision/Order on this Motion to

is as follows:

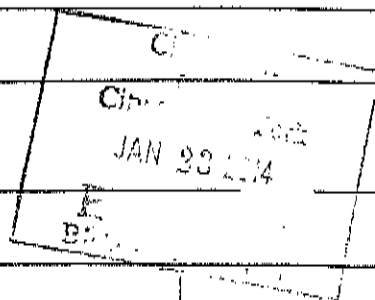
Defendant's motion is withdrawn  
as moot. Plaintiff discontinued  
proceeding.

Plaintiff is directed to immediately  
cease any and all levy's, ~~for~~ execution  
or Restraints.

~~Case~~

THIS constitutes the order/decision  
of this court

1/23/14  
Date



Judge, Civil Court

PAUL L. ALPERT

Page 28



